

REMARKS

The Non-final Office Action mailed on November 06, 2007 is acknowledged. Applicants request reconsideration of the above claims in view of the following remarks.

I. Status of Claims

By this amendment, claims have been amended without prejudice or disclaimer. Claims directed to non-elected subject matter are withdrawn from consideration by the Examiner. Applicants respectfully are maintaining the methods claims for the purpose of rejoinder upon allowance of the product claims. Reconsideration of the rejected claims is respectfully requested in view of the above amendments and the following remarks.

II. Rejections

A. Rejection under 35 U.S.C. §112 1st paragraph

Claims 1-9 and 11 are rejected under 35 U.S.C. § 112, 1st paragraph, because the Examiner alleges that the specification does not provide enablement for pharmaceutically acceptable solvates.

Without acquiescing to the Examiner's rejection, applicants have obviated the rejection by deleting the recitation "solvates" from the claims.

B. Rejection under 35 U.S.C. §112 2nd paragraph

Claims 1-9 and 11 are rejected under 35 U.S.C. § 112, 2nd paragraph, as being indefinite.

Without acquiescing to the Examiner's rejection, applicants have obviated the rejection by deleting the recitation "derivatives" from the claims.

Claims 1-9 and 11 are also rejected with regards to the recitation of the terms "compounds, derivatives, solvates, salts, tautomers, stereoisomers thereof or mixtures thereof in all ratios." The rejection is based on the allegation that rejected recitation encompasses

un-supported mixtures and that the recited forms should be singularized.

The Examiner maintains that the recited mixtures are not supported. Applicants respectfully submit, however, that the specification, for example, discloses salts of the compounds of claims 1. It is well known to the skilled artisan that the compounds of Claim 1 may be in a mixture of a salt form and a non-salt form. Therefore, support for mixtures is provided in the specification.

Furthermore, applicants respectfully submit that the plural recitation is supported in the specification and does not render the claims indefinite under 35 U.S.C. §112 2nd paragraph. The use of the plural is clearly understood by a person skilled in the art as "two or more" and therefore has a plain meaning in the art and is not indefinite. Accordingly, this rejection is respectfully traversed and reconsideration and withdrawal of the rejection is respectfully requested.

Finally, in the event that it has not yet been forwarded to the Examiner, applicants would like to inform the Examiner that an Information Disclosure Statement (IDS) was submitted to the USPTO on November 20, 2007.

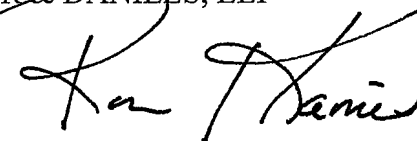
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below to expedite prosecution.

The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account Number 50-3380, referencing Attorney Docket No. 978725.9/MPG-P0008.

Respectfully submitted,

BAKER & DANIELS, LLP

By

A handwritten signature in black ink, appearing to read "Ron J. Kamis", is written over the printed name and firm information.

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